

REMARKS/ARGUMENTS

1. **Amendments to the Claims.**

Claims 1-3 and 5-13 are pending and under consideration in this application. Claims 8, 11 and 13 have been amended, support for which may be found throughout the specification.

2. **Rejections to the Claims Under 35 U.S.C. §102.**

Claims 8-13 were rejected under 35 U.S.C. §102 as anticipated by EP 408,006 to Harris. Claim 8, as amended, calls for a multi-program track and trolley apparatus including, among other things, a switch assembly having an upper plate portion, a plurality of guide members mounted on and extending from the upper plate portion, and a plurality of paired trolley assemblies at least one of which includes both a side diverter and a center diverter. The center diverter is disposed on the trolley assembly at a position on the center axis and selectively engages at least one of the plurality of guide members.

In the office action, Examiner points to rollers 36 of Harris '006 as meeting the limitations of the claimed center diverter. In contrast to the claimed center diverter, rollers 36 of Harris '006 engage the edges of the track slot 32, as illustrated in FIGS. 10 and 11. Rollers 36 of Harris '006 do not engage a guide member or diverter blade 48 mounted on and extending from an upper plate portion of the channel or switch assembly. Accordingly, Harris '006 does not disclose or suggest all of the limitations of claim 8. Therefore, claim 8 and claims 9-10 depending therefrom are patentable over Harris '006.

Claim 11 calls for an automatic track switching apparatus including, among other things, a switch assembly having an upper plate portion, at least one guide member mounted on and extending downwardly from the upper plate portion, a lead trolley, a trailing trolley, a first diverter element attached to each of the lead trolley and trailing trolley, and a second diverter element positioned on the trailing trolley substantially coincident with the trolley centerline. The second diverter element selectively engages the at least one guide member to control the movement of the wall panel. As discussed above with respect to claim 8, Harris '006 does not disclose or suggest a trolley having a center diverter that engages a guide member mounted on and extending downwardly from the upper plate of the switching assembly. Rather, rollers 36 of

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Harris '006 engage the edges of track slot 32. Accordingly, Harris '006 does not disclose or suggest all of the limitations of claim 11. Therefore, claim 11 and claim 12 depending therefrom are patentable over Harris '006.

Claim 13, as amended, calls for a multi-program track and trolley apparatus including, among other things, a plurality of track sections, a switch assembly at a junction between track sections, and at least two trolleys, one which has both a side diverter and a center diverter. The center diverter is disposed on the trolley at a position on a center point of the centerline. Harris '006 fails to disclose a trolley having a center diverter disposed on the trolley at a position on the center point of the trolley centerline.

3. Allowable Subject Matter.

Applicant thanks Examiner McCarry for acknowledging the allowable subject matter of claims 1-7.

CONCLUSION

Applicant believes that the claims of the application, as amended, are now in allowable form and Applicant respectfully requests that action toward a Notice of Allowance be taken.

Applicant believes that no fees are due in connection with this submission, however, if any fees are necessary, please charge Deposit Account No. 02-0390, Baker & Daniels.

Respectfully Submitted,

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